

**City of Reading City Council
Regular Business Meeting
Monday, June 25, 2012**

Council President Francis G. Acosta called the meeting to order.

The invocation was given by Councilor Randy Corcoran.

All present pledged to the flag.

ATTENDANCE

Council President Acosta

Councilor Corcoran, District 1

Councilor Sterner, District 3

Councilor Marmarou, District 4

Councilor Reed, District 5

Councilor Waltman, District 6

Mayor V. Spencer

City Auditor D. Cituk

City Solicitor C. Younger

City Clerk L. Kelleher

PROCLAMATIONS AND PRESENTATIONS

City Council issued commendations for the following:

- Recognizing the 75th Anniversary of the Gov. Joseph Hiester Chapter of the Sons of the American Revolution, accepted by Robert Hillegas Chapter President
- Recognizing Edwin Altamirano for Berks Best in the Communications category
- Recognizing Samara Ortiz for Berks Best in the Vocational/Technical Skills category
- Recognizing the Berks Best Scholastic Nominees from the City of Reading

The Mayor issued a proclamation Recognizing Tonya Butler and the Youth Fun Day Committee

PUBLIC COMMENT

Council President Acosta announced that two citizens were registered to address Council on agenda matters and three (3) citizens were registered to address Council on non-agenda matters. He inquired if any Councilor objected to suspending the rule requiring non-agenda comment at the end of the Council meeting. As no one objected, the rule to require non-agenda comment at the end of the meeting was suspended. Council President Acosta reminded the citizens registered to speak about the remaining public speaking rules.

Pastor Fred Opalinski, of Eckert Avenue, encouraged Council to adopt the Move to Amend resolution on tonight's Consent Agenda. He stated that Citizens United is a grass-roots organization that is working across the nation regarding the need for campaign reform and the elimination of corporate personhood.

Bill Vitale, of Hill Road, asked Council to support the Move to Amend resolution on the Consent Agenda. He read a phrase from the resolution and provided his perspective on the discussion with Council at the work session.

Melvin Jacobson, of North 5th Street, thanked those responsible for making the correction at 401 Oley Street occur prior to the Garden Tour last weekend. He expressed his belief that the Quality of Life (QoL) program is about improving the appearance of neighborhoods. He stated that the property next to 401 Oley Street recently received a QoL ticket because their trash can is partially visible through the slats of the screening fence. He questioned why 401 Oley Street did not receive tickets for high grass/weeds and rubbish.

Michael Dugan, of North 12th Street, expressed the belief that Reading residents make up the foundation of the City and that enforcement of the City's laws and regulations will build the next layer of the foundation. He expressed the belief that currently enforcement is left to the discretion of the employee.

Alan Schwanger, of Douglassville, stated that he is in the investment housing business and formerly owned 22 units within Reading. However, the high permitting fees caused him to downsize and move his business into Lebanon, where properties are more expensive and have higher rent income but have lower realty taxes and rental permitting fees.

APPROVAL OF THE AGENDA & MINUTES

Council President Acosta called Council's attention to the agenda for this meeting and the minutes for the June 11 Regular Meeting of Council and the June 14 Special Meeting of Council. He stated that there are no additions to tonight's agenda

Councilor Sterner moved, seconded by Councilor Marmarou, to approve the minutes from the June 11th Regular Meeting of Council, the June 14th Special Meeting of Council and the agenda, including the legislation listed under the Consent Agenda heading.

Consent Agenda

A. Award of Contract - for Zoning Hearing Master to William RA Rush, Esquire, for a total submitted price of approximately \$60 case, estimated number of cases – 900-1,000 for a total price of \$54,000 to \$60,000 (Purchasing)

B. Resolution 90-2012 - to call on our legislators and elected officials to join the tens of thousands of citizens, grassroots organizations and local governments across the Commonwealth in the “Move to Amend Campaign” to call for an amendment to the Constitution to abolish corporate personhood and return our elections to the citizens of the United States and reclaim our right to self-governance (Council Staff)

ADMINISTRATIVE REPORT

Mayor Spencer highlighted the report distributed to Council on Friday, June 21st as follows:

- Noting his attendance at the PCLM Conference in Pittsburgh
- Noting the first work day for the new Director of Administrative Services, Matthew Bembenick
- Announcing the Tax Amnesty Program for Business Privilege and Per Capita taxes
- Update on the task force for the Downtown and the Penn Corridor

Councilor Reed noted the need for Council to approve legislation appointing the Main Street Manager. City Clerk Kelleher questioned if the Main Street Manager can be a voting member of the Main Street Board. The Solicitor was asked to research and respond to those issues.

AUDITOR’S REPORT

City Auditor Cituk read the report distributed to Council at the meeting covering the following:

- 2012 Admissions Tax collection
- 2012 Real Estate Transfer Tax collection
- Update on the 2011 External Audit

ORDINANCES FOR FINAL PASSAGE

A. Bill No. 66-2012 – refinancing Reading Phillies loan (**Reading Phillies**) *Introduced at the May 29 regular meeting*

Councilor Marmarou moved, seconded by Councilor Corcoran, to enact Bill No. 66-2012, with the attached MOU.

Bill No. 66-2012 was enacted by the following vote:

Yeas: Corcoran, Marmarou, Reed, Sterner, Waltman, Acosta, President - 6

Nays: None -0

B. Bill No. 67-2012 - authorizing the Mayor to execute an Easement between the City of Reading and the Metropolitan Edison Company thereby conveying unto the Metropolitan Edison Company a permanent easement and uninterrupted right of access as described in said easement upon that portion of premises along Skyline Drive, Reading, Berks County, Pennsylvania (PIN no. 5317-02-

76-2194) for installation of one (1) pole and overhead primary electric facilities for service to the Berks County 911 cell tower **(Law)** *Introduced at the May 29 regular meeting*

Councilor Corcoran moved, seconded by Councilor Marmarou, to enact Bill No. 67-2012.

Bill No. 67-2012 was enacted by the following vote:

Yeas: Corcoran, Marmarou, Reed, Sterner, Waltman, Acosta, President - 6

Nays: None -0

C. Bill No. 68-2012 - amending the Codified Ordinances of the City of Reading, Chapter 1 Administration and Government, Part 5 Boards, Departments, Commissions, Committees and Councils, Part C Human Relations Commission, §1-525 Powers and Duties of Commission by providing for a method of enforcing subpoenas **(Law)** *Introduced at the May 29 regular meeting*

Councilor Reed moved, seconded by Councilor Sterner, to enact Bill No. 68-2012.

Bill No. 68-2012 was enacted by the following vote:

Yeas: Corcoran, Marmarou, Reed, Sterner, Waltman, Acosta, President - 6

Nays: None -0

D. Bill No. 69-2012 - authorizing the Mayor to execute a grant of right of way and easement and an access agreement between the City of Reading and Habasit America, Inc., thereby conveying unto the City of Reading a nonexclusive, temporary construction easement and nonexclusive, perpetual access easement upon that portion of premises within parcel identification number 530620916265, situate at 825 Morgantown Road in the City of Reading, Pennsylvania **(Public Works)** *Introduced at the June 11 regular meeting*

Councilor Reed moved, seconded by Councilor Corcoran, to enact Bill No. 69-2012.

Bill No. 69-2012 was enacted by the following vote:

Yeas: Corcoran, Marmarou, Reed, Sterner, Waltman, Acosta, President - 6

Nays: None -0

E. Bill No. 70-2012 – amending City of Reading Codified Ordinances Chapter 4 Buildings by adding the Heights Conservation District **(HARB)** *Introduced at the June 11 regular meeting*

Councilor Marmarou moved, seconded by Councilor Sterner, to enact Bill No. 70-2012.

Bill No. 70-2012 was enacted by the following vote:

Yeas: Corcoran, Marmarou, Reed, Sterner, Waltman, Acosta, President - 6

Nays: None -0

F. Bill No. 71-2012 – amending the Codified Ordinances, Chapter 11, Housing, Section 102, Definitions, by expanding the definition of a Vacant Property to include a Vacant Property for Sale, A Vacant Property Undergoing Rehabilitation and a Vacation/Second Residence as well as adding a Penalty for Failing to Timely Register a Vacant Property as attached in Exhibit A **(Law)** *Introduced at the April 23 regular meeting without documentation; Re-introduced at the June 11 regular meeting*

Councilor Marmarou moved, seconded by Councilor Sterner, to enact Bill No. 71-2012.

Bill No. 71-2012 was enacted by the following vote:

Yeas: Marmarou, Reed, Sterner, Waltman - 4

Nays: Corcoran, Acosta, President - 2

G. Bill No. 72-2012 - amending the Fee Schedule of the City of Reading, Berks County, Pennsylvania, Codified Ordinances, related to the Property Maintenance Division of the Department of Community Development Vacant Property Registration **(Law)** *Introduced at the June 11 regular meeting*

Councilor Reed moved, seconded by Councilor Marmarou, to enact Bill No. 72-2012.

Bill No. 72-2012 was enacted by the following vote:

Yeas: Corcoran, Marmarou, Reed, Sterner, Waltman - 5

Nays: Acosta, President - 1

H. Bill No. 73-2012 – transferring \$1.5 million from the general fund to the solid waste/recycling fund **(Finance)** *Introduced at the June 11 regular meeting*

Councilor Reed moved, seconded by Councilor Sterner, to enact Bill No. 73-2012.

Council President Acosta stated that the transfer is required due to a temporary cash flow problem with the Recycling Fund.

Bill No. 73-2012 was enacted by the following vote:

Yeas: Corcoran, Marmarou, Reed, Sterner, Waltman, Acosta, President - 6

Nays: None -0

I. Bill No. 74-2012 –amending the 2012 City of Reading Position Ordinance by decreasing the number of Chief Clerks, decreasing the number of Property Maintenance Inspectors, and increasing the number of Property Maintenance Specialists within the Community Development Department, Codes Division **(Law)** *Introduced at the June 11 regular meeting*

Councilor Reed moved, seconded by Councilor Corcoran, to table Bill No. 74-2012.

Bill No. 74-2012 was enacted by the following vote:

Yeas: Corcoran, Marmarou, Reed, Sterner, Waltman, Acosta, President - 6

Nays: None -0

INTRODUCTION OF NEW ORDINANCES

Council President Acosta read the following ordinances into the record:

A. Ordinance – refunding of 2008 E Bonds (**Financial S&olutions**)

B. Ordinance - amending Chapter 13, Licenses, Permits and General Business Regulations, of the Codified Ordinances of the City of Reading by adding a definition for and giving authority to a Billing Agent and adding Appeal Language (**Law**)

C. Ordinance - amending Chapter 11, Housing, of the Codified Ordinances of the City of Reading by adding a prosecution of violation section to allow the Property Maintenance Division to commence criminal action in accordance with the Pennsylvania Rules of Criminal Procedure in the Court of appropriate jurisdiction (**Law**)

D. Ordinance - amending Chapter 1, “Administration and Government” by adding Part 12, Authorizing the City to enter into an Intergovernmental Cooperation Agreement for the purpose of creating a Coalition to address the MS4 Permit requirements for the Wyomissing Creek Watershed (**Law**)

RESOLUTIONS

There were no Resolutions under consideration.

COUNCIL COMMENT

All members of Council congratulated the students honored at this evening’s meeting.

Councilor Corcoran noted the need for further study of the rental inspection fees to make sure they are properly set. He noted the wide spread complaints about the new fee structure.

Councilor Reed welcomed the students visiting Reading to assist with the NHS project occurring this week.

Councilor Marmarou congratulated the College Heights Community Council for the work they did to complete the Historic District application. He also agreed with the need to enforce the City’s laws and regulations, as suggested by Mr. Dugan during the public comment period.

Councilor Sterner stated that while he agrees with the concept of the Move to Amend resolution, he expressed the belief that further campaign reform is required.

Councilor Corcoran expressed the belief that corporations buy elections through campaign contributions to control and prevent reform and deregulation.

Councilor Waltman expressed the belief that elections are all about balance between contributions and the voice of the voter. He noted the success of the Centre Park Garden Tour during the past weekend. He also encouraged discussions with UGI regarding the installation of new gas meters in the inner-city neighborhoods.

Council President Acosta noted the English as a Second Language celebration at the Glenside and Oakbrook housing developments.

Council President Acosta stated that the Rec Commission has four playground programs running this summer and that 180 children are registered for the programs. He stated that a basketball clinic with some professional basketball players occurred at the 3rd and Spruce Rec Center today. He also noted the success of the Duryea Hill Climb.

Council President Acosta announced the Council meeting schedule for the upcoming two week period.

Councilor Marmarou moved, seconded by Councilor Reed, to adjourn the regular meeting of Council.

Respectfully submitted by Linda A. Kelleher CMC, City Clerk